

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested. Specifically, favorable consideration of pending Claims 1-54 is respectfully requested.

THE REJECTION OF CLAIM 40 UNDER 35 U.S.C. §102(e)

Claim 40 was rejected under 35 U.S.C. §102(e) as being unpatentable over Marchisio (U.S. Patent 6,510,406). The Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

Marchisio relates to a latent semantic based information retrieval system (Marchisio, col. 4, lines 66 and 67). As described in the Summary, Marchisio describes document processing steps to pre-process searchable documents to generate a representation of a search space, and further performs query processing steps to process a search query received from a user to generate a query vector for the query (Marchisio, col. 5, lines 8-14). The system includes an indexing module, storage module, search module, and query module (Marchisio, Fig. 2 and col. 8, lines 38-33).

However, Marchisio does not anticipate Claim 40 under the requirements laid out in MPEP §2131, which clearly states that, to anticipate a claim, the reference must teach every element of the claim. The standards for such requirement, as set forth in MPEP §2131, include the following:

“The identical invention must be shown in as complete detail as is contained in the...claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

It is respectfully submitted that the elements of the reference cited in the rejection as anticipating those of Claim 40 are not “shown in as complete detail as is contained” in Claim 40. For instance, the rejection contemplates search module 24 (Marchisio, Fig. 2) as corresponding to the claimed crawler module. However, Marchisio does not describe search module 24 as being “coupled to access a media content source and collect a plurality of media content pieces and associated text from the media content source,” as recited in Claim 40. Rather, Fig. 2 of the reference shows search module 24 being connected to storage module 22, which includes a relational database management system (RDBMS) for storing a term-document index (col. 9, lines 7-11). A term-document matrix is defined as an output of a feature extraction module including a number of inverted files (col. 9, lines 32-36). Clearly such coupling of search module 24 and storage module 22 does not anticipate the claimed crawler module, nor does the rejection point to any portion of the reference that would even suggest the claimed feature.

Furthermore, the elements of the reference are not “arranged as required” by Claim 40. More particularly, as indicated above, Claim 40 recites a system comprising:

a crawler module coupled to access a media content source and collect a plurality of media content pieces and associated text from the media content source;

a feature extraction module coupled to extract one or more text features from one of the media content pieces; and

a media content indexing module coupled to generate a text feature vector, based on the extracted one or more text features, corresponding to the one media content piece.

On the other hand, as set forth above, search module 24 is connected to storage module 22, which includes an RDBMS for storing a term-document index. Thus, search module 24 is not arranged as the crawler module of claim 40.

In addition, the rejection attempts to compare the feature extraction module of Claim 40 with feature extraction modules 21 of Marchisio. However, in the reference, feature extraction modules 21 in indexing module 20 of Fig. 2 input original documents and a query to concept synchronizer 28 (col. 8, lines 64-66), which are not the same as the one or more text features extracted from a media content piece as recited in connection with the feature extraction module of Claim 40. Thus, feature extraction modules of indexing module 20 are not arranged as in Claim 40. Further, feature extraction module 21 of search module 24 are shown in Fig. 2 as transmitting queries from clients 25 utilizing CORBA (Common Object Request Broker Architecture), which helps transfer messages to and from objects between various platforms in a distributed environment. Such depiction of feature extraction module 21 in search module 24 clearly is unlike that of the feature extraction module of Claim 40, and thus feature extraction module 21 of search module 24 is also not arranged as in Claim 40.

In addition, the rejection attempts to compare the claimed media content indexing module to indexing module 20 of Marchisio. Indexing module 20 in Fig. 2 of the reference reduces original documents and a query received from the

aforementioned extraction modules 21 into symbolic form, *i.e.*, a term-document matrix or query vector. Such description does not teach a text feature vector being generated based on an extracted text feature corresponding to a collected media content piece, as recited in Claim 40.

For at least the reasons set forth above, it is respectfully submitted that Marchisio does not teach the invention of Claim 40, and therefore the rejection under 35 U.S.C. §102(e) should be withdrawn.

THE REJECTION OF CLAIMS 1-39 AND 41-50 UNDER 35 U.S.C. §103(a)

Claims 1-39 and 41-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marchisio in view of Hoffert et al. (U.S. Patent 6,383,549; hereafter “Hoffert”). The Applicant respectfully traverses this rejection as well, and further requests that this rejection also be reconsidered and withdrawn.

With regards to rejected Claims 1, 41, and 48-50, it is respectfully submitted that not all of the requirements for establishing a *prima facie* case of obviousness, set forth in MPEP §2143, have been met. In particular, the Applicant respectfully submits that the proposed combination does not teach or suggest all of the claim limitations nor do the *references* provide sufficient motivation for the proposed combination thereof.

It is acknowledged in the rejection that Marchisio does not teach “the text feature vectors associated with the plurality of media content pieces.” Thus, the reference does not teach “identifying media content pieces to be rendered by comparing the query vector to text features associated with the plurality of media content pieces,” as recited in Claim 1. Further, even if the “digitized speech”

described by Marchisio (col. 19, lines 10-13) or the media files described by Hoffert (col. 2, line 65 – col. 3, line 12) were taken into consideration, the teaching results in the comparison of a current set of data to an earlier set (Marchisio, col. 18, lines 54-61). There is no teaching or suggestion of the aforementioned comparison to the query vector of Claim 1.

Assuming, *arguendo*, that the proposed combination of references was able to identify media content pieces as recited in Claim 1, neither reference teaches or suggests, “receiving user feedback regarding the relevancy of the identified media content pieces,” as further recited in the claim. Marchisio first references “semantic keyword feedback” obtained by isolating positive and negative coefficients in a truncated basis function expansion for a query approximation (col. 15, lines 57-59), and then describes (at col. 19, lines 4-7) an inverse inference engine providing concept feedback specific to each partition of a term-document matrix is defined as an output of a feature extraction module including a number of inverted files (col. 9, lines 32-36). Regardless, the reference remains silent regarding user feedback on the relevancy of identified media content pieces, and the rejection does not advance any arguments to the effect that Hoffert is able to remedy such deficiency. Furthermore, the feedback described by Marchisio, lacking as it is with regards to Claim 1, is not utilized for, “modifying the query vector based on the user feedback,” or for modifying whatever is alleged to be substituted for text feature vectors associated with the plurality of media content pieces, as claimed. It is respectfully submitted that such teachings are simply absent from the references, contrary to the assertions made in the rejection.

It is further submitted that, in view of the deficiencies of both Marchisio and Hoffert described above, the proposed combination fails to teach or suggest the claimed step of "identifying new media content pieces to be rendered by comparing the modified query vector to the text feature vectors..." as recited in Claim 1. The Applicant respectfully submits that the references do not provide enough teaching, express or implicit, to render Claim 1 obvious to one of ordinary skill.

Claims 1, 41, and 48-50 are collectively rejected under the same rationale. Therefore, the arguments presented above regarding Claim 1 are applied to distinguishing Claim 41 and 48-50 from the proposed combination of references but only to the extent that the distinguished features of Claim 1, as set forth above, are recited in any of Claims 41 and 48-50. Further, some of the distinguished features of Claim 1, again as set forth above, are recited in independent Claims 10 and 27. Thus, the above arguments distinguishing Claim 1 from the proposed combination of references are also applied to Claims 10 and 27 to the extent that the distinguished features of Claim 1 are recited in any of Claims 10 and 27.

In addition, while making no concessions with regards to rejections of the individual dependent claims, Applicants further submit that the arguments provided above may also be applied to all of the presently rejected dependent claims since MPEP §2143.03 indicates that, if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending from such independent claim is nonobvious, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In summary, the Applicant respectfully submits that a *prima facie* case of obviousness has not been established for at least the reasons set forth above, and therefore the present rejection under 35 U.S.C. §103(a) should be withdrawn.

THE REJECTION OF CLAIMS 51-53 UNDER 35 U.S.C. §103(a)

Claims 51-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Marchisio in view of Ma et al. (U.S. Patent 6,347,313; hereafter “Ma”). The Applicant respectfully traverses this rejection as well, and further requests that this rejection also be reconsidered and withdrawn.

It is respectfully submitted that the points of rejection of Claim 51, as they pertain to Marchisio, have been addressed above with regards to Claim 1. Therefore, the arguments presented above distinguishing Claim 1 from Marchisio are applied to the present rejection as well.

It is further submitted that Ma does not remedy the deficiencies of Marchisio in view of Claim 51. In particular, neither reference provides any teaching as to how the offline user feedback described by Ma (col. 9, lines 21-41) would be used to modify the query vector or the feature vector, as recited in Claim 1. The mere inclusion of user feedback is insufficient to render the claim obvious.

Therefore, for at least the reasons presented above, it is respectfully submitted that Claims 51-53 are distinguishable from the proposed combination of references, and thus the present rejection under 35 U.S.C. §103(a) should be withdrawn.

The Rejection of Claims 51-53 Under 35 U.S.C. §103(a)

Claim 54 was rejected under 35 U.S.C. §103(a) as being unpatentable over Marchisio in view of Ma and further in view of Hoffert. For the reasons set forth above regarding these references, the Applicant respectfully traverses this rejection, and further requests that this rejection be reconsidered and withdrawn.

Claim 54 depends from Claim 51, which has been distinguished from Marchisio and Ma above. As also discussed above, Hoffert does not remedy the deficiencies of Marchisio as it has been applied to the claimed invention. Therefore, it is respectfully submitted that the Applicant has herein provided sufficient reasons as to why the proposed combination of Marchisio, Ma, and Hoffert fails to render the claimed invention obvious. Thus, it is requested that this rejection be withdrawn.

CONCLUSION

The remaining references of record have been considered. It is respectfully submitted that they do not compensate for the deficiencies of any of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: August 2, 2003

David S. Lee
David S. Lee
Reg. No. 38,222
(425) 844-0791

Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201